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UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA

In re:) Case No. 14-02016-LT13

Frank Townsend,)

Debtor)

**REQUEST TO STRIKE DEBTOR'S
"SUPPLEMENTAL" DECLARATION
IN SUPPORT OF OBJECTION TO
PROOF OF CLAIM NO. 6**

Hearing
Date: August 26, 2014
Time: 10:00 A.M.
Dept: 3

[Honorable Laura S. Taylor]

1 Creditor, Linda Townsend, submits the following objection to the "Supplemental Declaration
2 of Debtor in Support of Objection to Proof of Claim."

3 **Untimely "Supplemental Declaration"**

4 Debtor failed to support his initial with any declaration that addresses the issues of this case;
5 and after the parties met and conferred on August 5, 2014, the debtor filed said "supplemental"
6 declaration. The declaration is not a timely filed document - even if it were considered to be a reply
7 - a reply is due to be filed and served within 7 days of my client's response to the claim objection,
8 [Bankruptcy Rule 9013-5].

9 Linda Townsend's response and declaration in support thereof was filed and served on July
10 20, 2014. The response raised the issue of debtor not providing a declaration in support of his claim
11 objection. On July 30, 2014, debtor filed a reply, which alleged that the signing of the form was
12 sufficient, but failed to address the issue of his intent at the time of the agreement.

13 The "supplemental" declaration, filed on August 7, 2014, seems disingenuous in its timing
14 and content. Debtor has ample opportunity to parrot his attorney's legal position in a declaration
15 and failed to timely file said declaration.

16 Linda Townsend requests that this court strike debtor's supplemental declaration.
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18 Respectfully Submitted,

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20 Dated: August 19, 2014

21 /s/ Russel T. Little
22 Russel T. Little, Attorney for Linda Townsend

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1 IN THE UNITED STATES BANKRUPTCY COURT
2 SOUTHERN DISTRICT OF CALIFORNIA
3 CASE NO. 14-02016-LT13

4 PROOF OF SERVICE

5 I, Russel T. Little, am a resident of San Diego, California, and I am over the age of eighteen
6 (18) years, and not a party to the within action. My business address is 185 West "F" Street, Suite
7 100, San Diego, California 92101.

8 A true and correct copy of the foregoing document described as **REQUEST TO STRIKE
9 DEBTOR'S "SUPPLEMENTAL" DECLARATION IN SUPPORT OF OBJECTION TO
10 PROOF OF CLAIM NO. 6**, will be served in the manner indicated below:

11 1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING [NEF] -
12 Pursuant to controlling General Order No. 162, the foregoing document will be served by the court
13 via NEF and hyperlink to the document as follows:

14 David L. Skelton

15 admin@ch13.sdcxmail.com;dskelton13@ecf.epiqsystems.com

16 David L. Skelton on behalf of Trustee David L. Skelton

17 admin@ch13.sdcxmail.com;dskelton13@ecf.epiqsystems.com

18 Ahren Tiller on behalf of Debtor Frank A. Townsend

19 atiller@blc-sd.com,
20 brett.bodie@blc-sd.com;carolina@blc-sd.com;ccosyleon@blc-sd.com;anika@blc-sd.com;nicoles
21 @blc-sd.com;erobles@blc-sd.com;danny@blc-sd.com;kreyes@blc-sd.com;wil@blc-sd.com

22 United States Trustee

23 ustp.region15@usdoj.gov

24 2. SERVED BY U.S. MAIL - I served the following person(s) and/or entity(ies) at the
25 last known address(es) in this bankruptcy case or adversary proceeding by placing a true and
26 correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid,
27 and/or with an overnight mail service addressed as follows:

28 Frank Townsend

Debtor

3322 39th St.

San Diego, CA 92105

33 I declare under penalty of perjury that the foregoing is true and correct. Executed on
34 August 19, 2014, at San Diego, California.

35 /s/ Russel T. Little
36 RUSSEL T. LITTLE